

Part 11—General Rulemaking Procedures

This change incorporates Amendment 11-42, Organizational Changes and Delegations of Authority, adopted August 25 and effective September 4, 1997. This amendment affects §§ 11.11, 11.41, 11.61, and 11.81.

Bold brackets enclose the newly added and revised material. The amendment number and effective date of new material appear in bold brackets at the end of each section.

Page Control Chart

Remove Pages	Dated	Insert Pages	Dated
P-103	Ch. 3	P-103 through P-105	Ch. 4
Subpart A	Ch. 3	Subpart A	Ch. 4
Subpart C	Ch. 3	Subpart C	Ch. 4
Subpart D	Ch. 3	Subpart D	Ch. 4
Subpart E	Ch. 3	Subpart E	Ch. 4

Suggest filing this transmittal at the beginning of the FAR. It will provide a method for determining that all changes have been received as listed in the current edition of AC 00-44, Status of Federal Aviation Regulations, and a check for determining if the FAR contains the proper pages.

April 18, 1996.

The authority citation for part 11 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40103, 40105, 40109, 40113, 44110, 44502, 44701–44702, 44711, and 46102.

Amendment 11–41

General Rulemaking Procedures

Adopted: March 29, 1996

Effective: April 24, 1996

(Published in 61 FR 18052, April 24, 1996)

SUMMARY: The Federal Aviation Administration is making an editorial change to part 11 by changing the words “rule making” and “rule-making” to read “rulemaking”. The change is being made for consistency.

FOR FURTHER INFORMATION CONTACT: Clara Thieling, Office of the Chief Counsel, Regulations Division (AGC–200), Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 267–3123.

SUPPLEMENTARY INFORMATION:

Background

In response to inquiries as to the uniformity of the spelling of the word rulemaking, the FAA is making an editorial change to part 11 to change the spelling of “rule-making” and “rule making” to “rulemaking”. Because this action is merely a technical amendment, the FAA finds that prior notice and public procedure under 5 U.S.C. 553(b)(3)(B) are unnecessary. For the same reason, the FAA finds that good cause exists for making this amendment effective upon publication.

The Amendment

The FAA amends 14 CFR part 11 effective April 24, 1996.

The authority citation for part 11 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40103, 40105, 40109, 40113, 44110, 44502, 44701–44702, 44711, and 46102.

Amendment 11–42

Organizational Changes and Delegations of Authority

Adopted: August 25, 1997

Effective: September 4, 1997

(Published in 62 FR 46864, September 4, 1997)

SUMMARY: This amendment adopts changes to office titles as a result of changes in the names of various offices and the establishment of a new position within the Office of the Chief Counsel. These

On July 1, 1988, the Federal Aviation Administration (FAA) underwent far-reaching organizational changes that affected both headquarters and regional offices. The most significant of those changes placed certain regional offices in the direct reporting line to their headquarters counterparts, when before those offices had reported to the Regional Administrator. The legal office in each geographic region, as well as in the Mike Monroney Aeronautical Center, in Oklahoma City, Oklahoma, and the William Hughes Technical Center, in Atlantic City, New Jersey, were among the offices affected by that change. Prior to July 1988, those offices were known in each region as the Regional Counsel, and at the Centers as Center Counsel. After the organizational changes those offices reported directly to the Office of the Chief Counsel, and each name changed to Office of the Assistant Chief Counsel for the region or center served. Although the duties of each office did not significantly change, the name change caused confusion both within the FAA and outside of the agency. Therefore, the Office of the Chief Counsel has determined that the name of the legal office in each region should be changed back to Regional Counsel for that region, the legal office at the Mike Monroney Aeronautical Center back to Aeronautical Center Counsel, and at the William Hughes Technical Center, Technical Center Counsel. This name change will not affect the reporting lines or delegations of authority made within the Office of the Chief Counsel. Regional Counsel and Center Counsel offices will still report directly to the Office of the Chief Counsel.

In November 1992, the Office of the Chief Counsel underwent organizational changes. One of the organizational changes made was to separate the duties of the Assistant Chief Counsel for Regulations and Enforcement, thus creating an office for the Assistant Chief Counsel for Regulations and an office for the Assistant Chief Counsel for Enforcement. These name changes are reflected in parts 11 and 13 of this document.

In addition, the FAA has recently established the position of Assistant Chief Counsel, Europe, Africa, and Middle East Area Office. The objective of establishing this new position is to establish within this region a senior level of legal support for U.S. civil aviation safety and security initiatives.

Within parts 11, 13, 15, and 185 of the Federal Aviation Regulations (FARs), various regulations refer to legal offices at each region and at the centers, as well as FAA Headquarters. Title 14 of the Code of Federal Regulations must therefore be amended to reflect this name change of certain offices within the Office of Chief Counsel.

Good Cause Justification for Immediate Adoption of These Amendments

These amendments are needed to eliminate and avoid confusion over the internal structure of the FAA's Office of Chief Counsel. Since these amendments are editorial in nature, impose no additional burden on the public, and constitute only agency rules of organization, I find that notice and opportunity for prior public comment before adopting these amendments is unnecessary, and that good cause exists for making them effective immediately. In addition, the FAA has considered the Regulatory Policies and Procedures of the Office of the Secretary of Transportation and finds that notice and the opportunity for comment could not reasonably be anticipated to result in the receipt of useful information.

Paperwork Reduction Act

These amendments are completely editorial in nature. There will be no increase or decrease in the paperwork requirements of the sections amended, which requirements have already been approved.

Federalism Implications

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR parts 11, 13, 15 and 185 effective September 4, 1997.

The authority citation for part 11 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40103, 40105, 40109, 40113, 44110, 44502, 44701–44702, 44711, and 46102.

§ 11.1 Applicability.

This part applies to the issue, amendment, and repeal of—

(a) Rules and orders for airspace assignment and use issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and

(b) Other substantive rules, including those applicable to a class of persons, and those addressed to and served on named persons whenever the Administrator decides to use public [rulemaking] procedures in such a case.

§ 11.11 Docket.

Official FAA records relating to rulemaking actions, including: (a) Proposals, (b) notices of proposed rulemaking, (c) written material received in response to notices, (d) petitions for rulemaking and exemptions, (e) written material received in response to summaries of petitions for rulemaking and exemptions, (f) petitions for rehearing or reconsideration, (g) petitions for modification or revocation, (h) notices denying petitions for rulemaking, (i) notices granting or denying exemptions, (j) summaries required to be published under § 11.27, (k) special conditions required, as prescribed under § 21.16 or § 21.101(b)(2), (l) written material received in response to published special conditions, (m) reports of proceedings conducted under § 11.47 (n) notices denying proposals, and (o) final rules or orders are maintained in current docket form in the Office of the Chief Counsel. A public docket relating to rulemaking actions taken by each Regional Administrator on petitions for exemption filed under part 139 of this chapter is maintained in the [Regional Counsel's office] for that region. Unless a request for comment indicates otherwise, a public docket relating to rulemaking actions taken by Regional Administrators under subparts D and E of this part is maintained in the [Regional Counsel's office]. Any interested person

may examine any docketed material at that office, at any time after the docket is established, except material that is ordered withheld from the public under section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504), and may obtain a photo-static or duplicate copy of it upon paying the cost of the copy.

(Amdt. 11-4, Eff. 11/2/64); (Amdt. 11-6, Eff. 1/1/67); (Amdt. 11-12, Eff. 9/20/72); (Amdt. 11-16, Eff. 3/20/79); (Amdt. 11-20, Eff. 10/14/80); (Amdt. 11-32, Eff. 10/25/89); (Amdt. 11-41, Eff. 4/24/96); [(Amdt. 11-42, Eff. 9/4/97)]

§ 11.13 Delegation of authority.

All agency officials, with regulatory issuance authority, may exercise the authority of the Administrator to make certifications, findings and determinations under the Regulatory Flexibility Act (Pub. L. 96-354) with regard to any rulemaking document for which issuance authority is delegated by other sections in this part.

Docket No. 22081 (46 FR 41488), Eff. 8/17/81; (Amdt. 11-2, Eff. 5/29/64); (Amdt. 11-22, Eff. 8/17/81)

§ 11.15 Emergency exemptions.

If, as a result of enemy attack on the United States, communication with Washington headquarters of FAA is or may be disrupted or materially impaired, petitions for exemptions from any rule issued under Titles III or VI of the Federal Aviation Act of 1958 (air safety rules and air traffic and airspace rules) may also be filed at the nearest FAA Regional Office, air traffic control facility or office, Flight Standards District Office, Aircraft Certification Directorate, Aircraft Certification Office, International Field Office or FAA Representative in the Europe, Africa, and Middle East Region, or in the Pacific Region. The procedural requirements of §§ 11.53, 11.71, and 11.91, and the publication and comment procedures of § 11.27 need not be followed. Under these emergency conditions, the FAA inspectors or officers in charge

and termination by the Regional Administrator or Acting Regional Administrator or officer in charge of the Region concerned, subject to ultimate action by the Director or Acting Director of the Service concerned.

(Amdt. 11-2, Eff. 5/29/64); (Amdt. 11-5, Eff. 8/20/66); (Amdt. 11-10, Eff. 11/22/68); (Amdt. 11-11, Eff. 3/29/71); (Amdt. 11-16, Eff. 3/20/79); (Amdt. 11-32, Eff. 10/25/89)

【§ 11.17 Direct final rule.】

【Whenever the FAA anticipates that a proposed regulation is unlikely to result in adverse comment, it may choose to issue a direct final rule. The direct final rule will advise the public that no

will become effective on the date indicated in the direct final rule. The FAA will publish a document in the *Federal Register* indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the *Federal Register*, and a notice of proposed rulemaking may be published with a new comment period. Normal procedures for the agency's receipt and consideration of comments will then apply.】

【(Amdt. 11-40, Eff. 4/18/96)】

§ 11.41 Scope.

(a) This subpart prescribes the supplemental procedures to be followed by the Offices and Services of the FAA in rulemaking proceedings and in granting or denying exemptions from rules. It also designates the Office or Service that is authorized to act for the Administrator in connection with those proceedings and exemptions. Any authority conferred by this subpart on the head of any Office or Service is also conferred on the Associate Administrator (if any) who exercises executive direction over that official.

(b) This subpart applies to rulemaking procedures other than for Airworthiness Directives and rules relating to Airspace Assignment and Use.

(c) For the purposes of this subpart—

(1) The words “Office or Service” include the Technical Center, and include Regional Administrators with respect to petitions for exemptions from the requirements of part 139 of this chapter; and

(2) “Chief Counsel” means—

(i) The Chief Counsel;

(ii) [A Regional Counsel or the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office] with respect to petitions for exemptions from the requirements of part 139 of this chapter;

(iii) [The Assistant Chief Counsel for Regulations] for all other exemptions processed under this subpart; or

(iv) Any person to whom the Chief Counsel has delegated authority in the matter concerned.

(Amdt. 11-5, Eff. 8/20/66); (Amdt. 11-6, Eff. 1/1/67); (Amdt. 11-8, Eff. 4/25/67); (Amdt. 11-12, Eff. 9/20/72); (Amdt. 11-15, Eff. 11/9/78); (Amdt. 11-32, Eff. 10/25/89); (Amdt. 11-41, Eff. 4/24/96); [(Amdt. 11-42, Eff. 9/4/97)]

§ 11.43 Processing of petitions for [rulemaking] or exemption from parts of this chapter.

Whenever the FAA receives a petition for [rulemaking] or for an exemption, a copy of the petition is referred for action, as provided in § 11.27, to the Office or Service having substantive responsibility for the subject involved.

Docket No. 15457 (41 FR 11271), Eff. 3/18/76; (Amdt. 11-13, Eff. 3/18/76); [(Amdt. 11-41, Eff. 4/24/96)]

§ 11.45 Issue of notice of proposed [rulemaking].

Whenever he determines that a notice of proposed [rulemaking] is necessary or desirable, the head of the Office or Service concerned may, subject to the approval of the Chief Counsel with respect to form and legality, issue the notice provided for in § 11.29. In addition, he may grant or deny petitions for extension of the time for comments on the notice, filed under § 11.29(c).

(Amdt. 11-1, Eff. 4/23/63); [(Amdt. 11-41, Eff. 4/24/96)]

§ 11.47 Proceedings after notice of proposed [rulemaking].

(a) Each person who submits written information, views, or arguments in response to a notice of proposed [rulemaking], or during additional [rulemaking] proceedings in connection with such a notice, must file the number of copies specified in the notice. All timely comments are considered before final action on the [rulemaking] proposal is taken. Late filed comments are considered so far as possible without incurring expense or delay.

(b) Whenever the head of the Office or Service concerned determines that additional [rulemaking] proceedings of the kind described in § 11.33 are necessary or desirable, he may designate representatives to conduct those proceedings.

(Amdt. 11-5, Eff. 8/20/66); [(Amdt. 11-41, Eff. 4/24/96)]

ly. Except as provided in paragraph (b) of this section, the rule is then submitted, with the recommendations of the head of the Office or Service concerned and the Chief Counsel, to the Administrator for consideration. If a rule is adopted, it is published in the *Federal Register*.

(b) Final authority to issue, amend, and repeal—

(1) An appendix to a part is delegated to the head of the Office or Service concerned;

(2) Minimum en route IFR altitudes and associated flight data under part 95 of this chapter, and standard instrument approach procedures under part 97 of this chapter is delegated to the Manager, Technical Programs Division, Flight Standards Service; and

(3) Special conditions under part 21 of this chapter is delegated to the Director, Aircraft Certification Service.

(Amdt. 11-15, Eff. 11/9/78); (Amdt. 11-18, Eff. 9/9/80); (Amdt. 11-19, Eff. 9/10/80); (Amdt. 11-20, Eff. 10/14/80); (Amdt. 11-20A, Eff. 12/29/80); (Amdt. 11-32, Eff. 10/25/89); [(Amdt. 11-41, Eff. 4/24/96)]

§ 11.51 Denial of petition for [rulemaking].

Whenever it is determined that a petition for [rulemaking] filed under § 11.25 should be denied, the Office or Service concerned prepares, subject to the approval of the Chief Counsel with respect to form and legality, a notice of denial for the Administrator's signature.

[(Amdt. 11-41, Eff. 4/24/96)]

§ 11.53 Grant or denial of exemption.

(a) The head of the Office or Service concerned may, subject to the approval of the Chief Counsel with respect to form and legality, grant or deny any petition for an exemption. However, if the head of the Office or Service concerned finds that the grant or denial involves a technical or policy determination that should be made by the Administrator, he refers the petition and his recommendations and those of the Chief Counsel to the Administrator for final action.

§ 11.55 Reconsideration of a denial or grant of exemption.

(a) Except as provided in paragraph (c) of this section, if a petition for exemption is denied, the petitioner may file a petition for reconsideration with the Administrator. The petition must be filed, in duplicate, within 30 days after the petitioner is notified of the denial of the exemption.

(b) If a petition for exemption is granted, a person other than the initial petitioner may file a petition for reconsideration with the Administrator. The petition must be filed, in duplicate, within 45 days after the grant of exemption is issued.

(c) If a petition for exemption from the requirements of part 67 of this chapter is denied, the petitioner may file a petition for reconsideration with the Federal Air Surgeon. The petition must be filed in duplicate, within 30 days after the petitioner is notified of the denial of the exemption. However, if the final action on the initial petition was by the Administrator in accordance with the second sentence of § 11.53(a), the Federal Air Surgeon refers the petition for reconsideration and recommendations and those of the Chief Counsel to the Administrator for final action.

(d) A petition for reconsideration under this section must be based on the existence of one or more of the following:

(1) A finding of a material fact that is erroneous.

(2) A necessary legal conclusion that is without governing precedent or is a departure from or contrary to law, FAA rules, or precedent.

(3) An additional fact relevant to the decision that was not presented in the initial petition for exemption. In order for a petition under paragraph (a) or (c) of this section to be based on this ground, the petition for reconsideration must state the reason the additional fact was not presented in the initial petition.

(Amdt. 11-7, Eff. 4/10/67); (Amdt. 11-9, Eff. 2/25/68); (Amdt. 11-11, Eff. 3/29/71); (Amdt. 11-15, Eff. 11/9/78)

§ 11.61 Scope.

(a) This subpart establishes procedures for initiating, processing, issuing, and publishing rules and orders issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), including—

(1) Designations of controlled airspace under part 71 of this chapter;

(2) Assignments of segments or parts of the navigable airspace for special use purposes, such as restricted areas, military climb corridors, and experimental flight test areas; and

(3) Special rules or orders relating to the assignment or use of navigable airspace.

(b) This subpart does not apply to emergency cases and cases in which the procedures described in paragraph (a) of this section are found to be impractical, unnecessary, or contrary to the public interest.

(c) For the purposes of this subpart, “Director” means the Executive Director of System Operations, the Associate Administrator for Air Traffic or the Director, Air Traffic Rules and Procedures Service, or any person to whom the Director has delegated authority in the matter concerned.

(d) [For the purposes of this subpart, “Chief Counsel” means the Chief Counsel, or a Regional Counsel, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, or the Assistant Chief Counsel for Regulations or any person to whom the Chief Counsel, Assistant Chief Counsel, or Regional Counsel has delegated authority in the matter concerned.]

(Amdt. 11-3, Eff. 7/13/64); (Amdt. 11-4, Eff. 11/2/64); (Amdt. 11-5, Eff. 8/20/66); (Amdt. 11-15, Eff. 11/9/78); (Amdt. 11-30, Eff. 1/17/86); (Amdt. 11-32, Eff. 10/25/89); (Amdt. 11-35, Eff. 12/12/91 and 9/16/93); [(Amdt. 11-42, Eff. 9/4/97)]

§ 11.63 Filing of proposals.

(a) Each proposal, except one arising in the FAA, for the designation of Federal airways or other areas for normal air traffic use, the assignment of navigable airspace for special use purposes, or the issue

of a special rule or order relating to the use of navigable airspace, must be filed in writing, in triplicate, with the Director.

(b) The director may, on his own motion, initiate the procedures prescribed in this subpart for proposals arising within the FAA.

(c) A proposal requesting the assignment of navigable airspace for special use purposes, or for the designation of an area for air traffic purposes, must include at least the following:

(1) The location and a description of the airspace desired for assignment or designation.

(2) A complete description of the activity or use to be made of that airspace, including a detailed description of the type, volume, duration, time, and place of the operations to be conducted in the assigned or designated area.

(3) A description of the air navigation, air traffic control, surveillance, and communication facilities available and to be provided if the assignment or designation is made.

(4) The name and location of the agency, office, facility, or person to whom authority would be delegated to permit the use of the airspace during those times it would not be used for the purpose to which it would be assigned.

(d) Subject to the approval of the Chief Counsel with respect to form and legality, the Director issues a notice of any rejected proposal.

(Amdt. 11-3, Eff. 7/13/64)

§ 11.65 Issue of notice of proposed [rulemaking].

(a) If it is determined that the subject matter of a proposal should be submitted to the [rulemaking] process, or if [rulemaking] action is to be taken on his own motion, the Director, subject to the approval of the Chief Counsel with respect to form and legality, issues a notice of proposed [rulemaking].

(b) Normally, a notice of proposed [rulemaking] is issued within approximately 30 days after receipt of a proposal with respect to which it has been determined that action might be taken.

issues involved.

(d) Approximately 30 days are allowed for submitting written information, views, or arguments on the notice. Petitions for extension of the time for such comments are governed by the provisions of § 11.29(c). If a public hearing is to be held, either the original notice of proposed [rulemaking] or a revised notice gives approximately 30 days' notice. The Director may grant or deny petitions for extension of the time for comments on the notice and may change the date of any hearing previously noticed.

(e) Written information, views, and arguments submitted in response to a notice of proposed [rulemaking], or that are requested after the notice, must be submitted in triplicate.

(f) Each interested person is entitled to discuss or confer informally with appropriate FAA officials concerning a proposed action. However, to become a part of the formal record for consideration, any information, views, or arguments presented during the conference must also be submitted in writing in accordance with the notice.

(Amdt. 11-1, Eff. 4/23/63); [(Amdt. 11-41, Eff. 4/24/96)]

§ 11.67 Hearings.

(a) Sections 7 and 8 of the Administrative Procedure Act do not apply to proceedings used to formulate rules under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)). Whenever the Director, in his discretion, considers that a hearing is necessary to provide informed Administrative action and assure adequate protection of private or public interests, he may hold an informal public hearing. However, any rule or order issued in a case in which such a hearing is held is not based exclusively on the record of the hearing.

(b) The Director designates a presiding officer for each hearing and the Chief Counsel designates a legal adviser.

(c) Normally, hearings held under this section are held in the vicinity of the affected airspace. Interested persons are allotted time to make an oral presentation without interruption and a verbatim

persons or their authorized representatives to speak at the hearing.

(3) The presiding officer allots enough time to each interested person on an equal basis so that his position may be expressed fully and placed on the record, with those who favor it speaking first followed by those who oppose it, initial statements being made as far as possible without interruption, and questions permitted after initial statements have been made by all designated persons.

(4) Arguments and oral statements are limited to the subject named in the notice of proposed [rulemaking].

(5) Written information, views, arguments, or briefs may be offered for the record, but may not be accepted after the hearing unless good cause is shown or the submission is requested by the presiding officer or the Director.

(e) The presiding officer of a hearing may deviate from the procedures prescribed in this section to assure a more complete and informative record.

[(Amdt. 11-41, Eff. 4/24/96)]

§ 11.69 Adoption of rules or orders.

(a) After the closing date for submitting written comments on a notice or, if a hearing is held; after the hearing, the Office having substantive responsibility for the subject involved studies the entire matter of a proposed rule or order. The Chief Counsel determines whether legal justification exists for the proposed action, and thereafter prepares an appropriate rule, order, or notice of denial. The rule, order, or notice of denial is then submitted to the Director for his action.

(b) Each rule or order issued by the Director is published in the *Federal Register* and in such other publications as the Director considers desirable. Each notice of denial is sent to the person who made the proposal and to such other interested persons as the Director considers desirable.

(c) Each rule or order issued under this subpart becomes effective not less than 30 days after it is published, except in an emergency, or when it is impractical, unnecessary, or contrary to the public interest.

(c) The Director may, subject to the approval of the Chief Counsel with respect to form and legality, grant or deny any petition filed under this section and shall notify the petitioner of his action. (Amdt. 11-3, Eff. 7/13/64)

§ 11.73 Petitions for rehearing or reconsideration of rules or orders.

(a) Any interested person may petition the Administrator for a rehearing on, or for reconsideration of, any rule or order issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)). Such a petition must be filed, in triplicate, within 30 days after the rule or order is published in the *Federal Register*. It must contain a brief statement of the complaint and an explanation as to how the rule or order is contrary to the public interest.

stay the effect of a rule or order.

§ 11.75 Petitions for revoking or modifying rules or orders.

(a) Any interested person may petition to revoke or modify any rule or order covered by this subpart. Such a petition must be filed, in triplicate, with the Director and must clearly state the information, views, and arguments the petitioner considers necessary to support the requested action and must clearly indicate the effect the action would have on the use of navigable airspace.

(b) A petition filed under this section is processed in the same manner as an original proposal, or in any other manner that the Director considers necessary or desirable.

(Amdt. 11-3, Eff. 7/13/64)

§11.81 Scope.

(a) This subpart prescribes the procedures to be followed in rulemaking proceedings for Airworthiness Directives issued pursuant to part 39 and in granting or denying exemptions from Airworthiness Directives. It also designates the persons that are authorized to act for the Administrator in connection with those proceedings and exemptions.

(b) For the purposes of this subpart, "Director" means the Director, Aircraft Certification Service, or a Manager of an Aircraft Certification Directorate (Directorate Manager).

(c) The authority for issuing Airworthiness Directives is limited to the following persons:

(1) The Director, Aircraft Certification Service; and

(2) Managers of the Aircraft Certification Directorates for products under the authority of those directorates, as determined by the Administrator.

(d) [For the purposes of this subpart, "Chief Counsel" means the Chief Counsel or a Regional Counsel or a Directorate Counsel, the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office, or the Assistant Chief Counsel for Regulations, or any person to whom the Chief Counsel, Assistant Chief Counsel, Regional Counsel, or Directorate Counsel has delegated authority in the matter concerned.]

(Amdt. 11-15, Eff. 11/9/78); (Amdt. 11-19, Eff. 9/10/80); (Amdt. 11-21, Eff. 12/8/80); (Amdt. 11-32, Eff. 10/25/89); (Amdt. 11-41, Eff. 4/24/96); [(Amdt. 11-42, Eff. 9/4/97)]

§11.83 Processing of petitions for [rulemaking] or exemption.

Whenever the FAA receives a petition for [rulemaking] or for an exemption, a copy of the petition is referred for action, as provided in § 11.27, to the Director having Airworthiness Directive responsibility for the product involved.

[(Amdt. 11-41, Eff. 4/24/96)]

§11.85 Issue of notice of proposed [rulemaking].

Whenever he determines that a notice of proposed [rulemaking] is necessary or desirable, the Director may, subject to the approval of the Chief Counsel with respect to form and legality issue the notice provided for in § 11.29. In addition, he may grant or deny petitions for extension of the time for comments on the notice, filed under § 11.29(c).

[(Amdt. 11-41, Eff. 4/24/96)]

§11.87 Proceedings after notice of proposed [rulemaking].

(a) Each person who submits written information, views, or arguments in response to a notice of proposed [rulemaking], or during additional [rulemaking] proceedings in connection with such a notice, must file the number of copies specified in the notice.

(b) Whenever the Director determines that additional [rulemaking] proceedings of the kind described in § 11.33 are necessary or desirable, he may designate representatives to conduct those proceedings.

[(Amdt. 11-41, Eff. 4/24/96)]

§11.89 Adoption of final rules.

In any case in which a notice of proposed [rulemaking] was issued, the Director completes his analysis and evaluation of the information, views, and arguments submitted with respect to the proposed rule and studies the entire matter. In any case in which the subject matter is, for good cause, submitted to the [rulemaking] process without notice, the Director initiates the procedure. The Chief Counsel determines whether legal justification exists for the action proposed, and thereafter prepares an appropriate rule or notice of denial. The rule or notice of denial is then submitted to the Director for his action.

[(Amdt. 11-41, Eff. 4/24/96)]

informing him of the action taken.

§ 11.93 Petitions for reconsideration of rules.

(a) Any interested person may petition the Administrator for a rehearing on, or for reconsider-

at the hearing or in writing within the allotted time.
(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator orders otherwise, the filing of a petition under this section does not stay the effect of a rule or order.

